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ABSTRACT

This Digest summarizes requirements for individualized education programs (IEPs) under the Individuals with Disabilities Education Act (IDEA) as amended in 1997. In addition to specific information the IEP must contain, it notes that the amendments require IEP teams to consider the child's strengths, the parents' concerns, and the results of the initial or most recent evaluation. Other aspects of the IEP that the team is required to consider are the child's behavior (which may require a functional assessment and a behavioral plan), the child's language needs (especially if the child has limited English speaking ability), the child's need for instruction in Braille and the use of Braille, the child's communication needs and instructional objectives, and the child's need for assistive technology. (DB)

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NEW IDEA '97 REQUIREMENTS: FACTORS TO CONSIDER IN DEVELOPING AN IEP

By

CYNTHIA WARGER

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New IDEA '97 Requirements: Factors to Consider in Developing an IEP

Cynthia Warger

Developing an individualized education program (IEP) is at the heart of providing a free and appropriate education to students with disabilities under the *Individuals with Disabilities Education Act* (IDEA). The 1997 amendments to IDEA call for several changes in the IEP development process. One of these changes requires the IEP team to consider a specific set of topics, and to make statements in the IEP related to these considerations.

At a minimum, an IEP, which must be developed for each child who qualifies for special education services, must contain information regarding [§ 300.347]:

- Present levels of student performance, including a statement of how the disability affects the student's involvement and progress in the general education curriculum.
- Measurable annual goals, including benchmarks or short-term objectives.
- A statement of educational needs resulting from the child's disability.
- A statement of all needed services and supports, including special education, related services, and program modifications and supports for school personnel.
- Extent of nonparticipation with nondisabled students.
- Progress reporting.
- Modifications needed for participation in statewide or districtwide assessments; or if it is determined that the child cannot participate, why the assessment is inappropriate for the child and how the child will be assessed.
- Transition needs for students 14 and older.

The 1997 reauthorization of IDEA included a new provision detailing what the IEP team must consider in developing each child's IEP. All IEP teams now must consider the strengths of the child, the parents' concerns for enhancing their child's education, and the results of the initial evaluation or most recent evaluation of the child when planning the IEP. Documentation of this consideration is encouraged, as it most likely will become required for all of the states and districts.

In addition, there are special factors for consideration that may apply to an individual child. These items also must be considered when the IEP is reviewed and revised [§ 300.346(b)]. If, in considering these factors, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order to receive a free, appropriate public education, the IEP team must include a statement to that effect in the child's IEP. This digest provides an overview of these considerations.

Consider the Child's Behavior

In the case of a child whose behavior impedes his learning or that of others, the IEP team must consider the strategies, including positive behavior interventions, and supports needed to address that behavior. It must be shown in the IEP that inappropriate conduct has been dealt with programmatically, and not just punitively.

In determining if behavior is an issue for a child, the IEP team may ask the following questions:

- Does the student need to learn and/or use new behaviors, skills, and/or strategies?
- Does the student demonstrate behaviors that are unsafe and/or that significantly interfere with the learning environment?
- Does the student's current presenting behavior require a behavior intervention plan?
- Is the student routinely removed from the general education classroom because of inappropriate behavior?
- Is the student's behavior related to, or a manifestation of, a disability?

If the answer is yes to any of these questions, the team will need to ascertain a present level of educational performance in the affected area(s). Using that information, the team will then develop annual goals and short-term objectives or benchmarks, and state these needs, goals, and objectives on the IEP.

It is important to note that whenever a student's behavior impedes his or her own learning or that of others, and whenever discipline beyond ten days of suspension occurs, functional assessment of behavior must be conducted and a behavioral plan developed. If this has previously been done and included in the IEP, then the team must reevaluate and/or revise the plan. Beyond 10 days of suspension, educational services must be provided to the child. If the child posses a gun or illegal drugs at school, he or she may be placed in an alternative setting for the same amount of time that a child without a disability would be subject to discipline [§ 300.520].

Consider the Child's Language Needs

A child may not be identified as disabled solely because English is his or her second language. However, a child with limited English proficiency also may have special learning needs related to that status. In the case of a child with limited English proficiency, the

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language needs of the child as they relate to the IEP must be considered.

In determining if language is an issue for a child with limited English proficiency, the IEP team may ask the following questions:

- Does the student's level of English language proficiency affect special education and related services needed by the student? If so, how and to what extent?
- Will the special education and related services needed by the student be provided in a language other than English?

Consider the Child's Need for Braille

In the case of a child who is blind or visually impaired, IDEA '97 now requires the IEP team to consider provision of instruction in Braille or the use of Braille--unless the IEP team determines that instruction in Braille or the use of Braille is not appropriate for the child. IEP teams are expected to evaluate:

- The student's reading and writing skills.
- The student's needs.
- Appropriate reading and writing media for the student.
- The student's future needs for instruction in Braille or the use of Braille.

In determining if the child requires instruction in and the use of Braille, the IEP team may ask the following questions:

- If instruction in and use of Braille is provided to the child, will the instruction and use be sufficient in length, frequency, and duration for the student to develop appropriate literacy skills?
- How will Braille be integrated into all curriculum areas and assessment situations?
- Is instruction in and/or the use of Braille inappropriate for the student? If so, why is it inappropriate?

If the IEP team determines that the child requires instruction in Braille and the use of Braille, team members must develop a statement of the student's present level of educational performance, annual goals, and benchmarks or short-term objectives in the appropriate areas.

Consider the Child's Communication Needs

The IEP team must consider the student's communication needs. Also, in the case of a child who is deaf or hard of hearing, the IEP team must consider the child's language and communication needs, as well as opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs. This includes opportunities for direct instruction in the child's language and communication mode.

In determining if the child's communication needs, the IEP team may ask the following questions:

- What are the communicative demands, opportunities, and needs of the child?
- Does the student have the needed skills and strategies to meet the communicative demands and fulfill his or her needs across relevant contexts?
- Does the student communicate appropriately and effectively given the opportunity?

If the IEP team determines that the child has communication needs, team members must develop a present level of educational performance, annual goals, and benchmarks or short-term objectives in the appropriate areas.

Consider Assistive Technology

The IEP must consider whether the child requires assistive technology devices and services in order to meet his or her educational goals and access the general education curriculum.

An assistive technology device is broadly defined in IDEA '97 as any piece of equipment or product system, whether commercially off the shelf or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. An assistive technology service means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device.

In determining if the child requires assistive technology devices and/or services, the IEP team may ask the following questions:

- Does the student need technology in order to perform fundamental functions, such as communication or mobility?
- What technology devices and/or services may help the student achieve his or her annual goals?

If the IEP team determines that the child requires an assistive technology device and/or service, team members must develop a present level of educational performance, annual goals, and benchmarks or short-term objectives in the appropriate areas and state them on the IEP. If the child needs to use the device at home in order to receive a free, appropriate public education, the child must be permitted to use the device at home or in other settings at no cost to the parents.

Resources

The following references are excellent resources for developing IEPs.

Bateman, B.D., & Linden, M.A. (1998). ***Better IEPs: How to develop legally correct and educationally useful programs*** (third edition). Longmont, CO: Sopris West. 1-800-547-6747.

The Council for Exceptional Children (1999). ***IEP Team Guide***. Reston, VA: Author. 1-888-232-7733.

The Council for Exceptional Children (1998). ***IDEA 1997: Let's make it work!*** Reston, VA: Author. 1-888-232-7733.

The Technology and Media Division/Council of Administrators of Special Education, Council for Exceptional Children (1998). ***Assistive technology in special education practice: Policy and practice.*** Reston, VA: Author. 1-888-232-7733.

The Technology and Media Division/Council of Administrators of Special Education, Council for Exceptional Children (1997). ***Has technology been considered? A guide for IEP teams.*** Reston, VA: Author. 1-888-232-7733.

Also, contact the following web sites for support resources:

- Council for Exceptional Children **www.cec.sped.org**
- The IDEA Partnership **www.ideapractices.org**

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